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January 31, 2012

VIA ECF FILING & BY FAX

The Honorable Nicholas G. Garaufis
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

*In re Application of Debbie Gushlak for an Order Pursuant to 28 U.S.C. §1782
MC-11-218(NGG)(JO)*

Dear Judge Garaufis:

We write as counsel to Debbie Gushlak in response to the January 30, 2012, letter to the Court from Alan S. Futerfas, Esq., counsel to Myron Gushlak and Yelena Furman. There, counsel requests an additional two weeks, on top of the generous nearly three weeks already allowed by Magistrate Judge Orenstein,¹ within which to file objections to Magistrate Judge Orenstein's Report and Recommendation ("Report"). The Report recommends that every one of Mr. Gushlak's and Miss Furman's motions be denied and that coercive sanctions be imposed upon them for their inexcusable failure to produce documents and appear for deposition. The Report also concludes that the witnesses have engaged in litigation intended to delay and obstruct Mrs. Gushlak's efforts to obtain the discovery. For the reasons set forth below, we object to any extension of time. Enough is enough.

I am generally not opposed to courtesies being extended to counsel who are unable to comply with a filing deadline. I am however forced to note that there has not been even one deadline ever imposed by this Court in this matter that the three law firms representing these

¹ Title 28 U.S.C. §636(b)(1) and F.R.C.P. 72(b)(2) provide that a party served with a report and recommendation of a magistrate judge has fourteen days within which to file objections thereto. Pursuant to F.R.C.P. 6, intermediate weekends and holidays are no longer excluded from the computation of time. *See also* Local Civil Rule 6.4. Thus, making reference solely to these rules, objections would be due February 13, 2012. Notwithstanding, the Report allows the witnesses until February 16, 2012, to file objections. *See* Report at 21.

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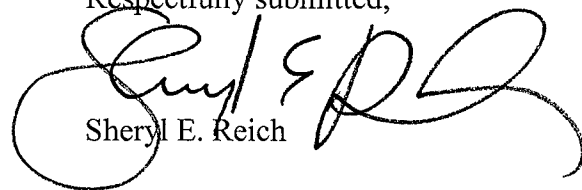
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witnesses² have been able to meet without multiple extensions, not one. We are approaching the one year anniversary of the filing of the Petition seeking discovery.

The request for an extension is premised on an assertion that there is no prejudice to Mrs. Gushlak from further delay. That is entirely incorrect. Mrs. Gushlak is trying to bring this litigation to a conclusion and expects, at a Court appearance in Grand Cayman set for April, to convince that Court to take steps to deal with Mr. Gushlak's refusal – in Cayman and in the United States – to provide the discovery he has been ordered to produce. Any delay that will result in giving Mr. Gushlak any basis to argue that the matter of his obligation to provide discovery here remains unresolved (unwarranted though that argument would be) is a disadvantage to Mrs. Gushlak.

We urge the Court to move expeditiously towards both receipt and resolution of Mr. Gushlak's and Miss Furman's objections.

Respectfully submitted,


Sheryl E. Reich

² No fewer than the firms The Law Offices of Alan S. Futerfas; Rosner & Napierala, LLP; and Bettina Schein, by a total of five attorneys, have appeared in this matter on behalf of these two witnesses.